

PELTON & ASSOCIATES PC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**DELROY HENRY and ALONSO BANOS,
Individually and on Behalf of All Others
Similarly Situated,**

Plaintiffs,

-against-

**LITTLE MINT, INC. d/b/a DISHES, MINI
MINT, INC. d/b/a DISHES, MOSHE
MALLUL, MAGGIE TALISMAN and
JOHN DOES #1-10, Jointly and Severally,**

Defendants.

ECF Case

12 Civ. 3996 (CM)

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Brent E. Pelton, Esq., sworn to October 18, 2013, the exhibits annexed thereto, the accompanying memorandum of law in support of the Plaintiffs' motion for preliminary approval of the settlement agreement, and all the pleadings and proceedings heretofore had herein, the undersigned moves this Court, before the Hon. Colleen McMahon United States District Judge, in the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order:

(1) preliminarily approving the settlement reached by the parties in this action as embodied in their Settlement Agreement And Release (*See* Exhibit B to Pelton Declaration);

(2) approving the Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing (“Proposed Class Settlement Notice”) attached to the Pelton Declaration as **Exhibit C**; and direct its distribution;

(3) appointing Simpluris, Inc. as the administrator of the Settlement;

(4) instructing the parties to appear before this Court for a Final Approval and Fairness Hearing on a date approximately seventy-five (75) days from the date of the Preliminary Approval Order; and

(5) for such other and further relief as the Court may deem just and proper.

For the Court’s convenience, attached hereto as **Exhibit 1** please find Plaintiffs’ [PROPOSED] ORDER ON PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT.

Dated: New York, New York
October 18, 2013

Respectfully submitted,

PELTON & ASSOCIATES PC

By: /s/Brent E. Pelton
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